

**R784. Salt Lake Community College.**

**R784-4. Student Due Process.**

**R784-4-1. Purpose.**

(1) In accordance with Title 53B, Chapter 27, Part 3, Campus Civil Liberties Protection Act, this rule establishes general elements of due process that must be provided to a student prior to being expelled or suspended for 10 days or more for non-academic code of conduct violations.

**R784-4-2. References.**

- (1) United States Constitution, Amendment 14, Due Process.
- (2) Utah Constitution, Article 1, Section 7, Due Process of Law.
- (3) Title 53B, Chapter 27, Part 3, Campus Civil Liberties Protection Act.
- (4) Policy - Code of Student Rights and Responsibilities 9.0.020.
- (5) Policy - Student Sexual Misconduct 9.0.060.

**R784-4-3. General Rights of Due Process.**

(1) In matters of non-academic conduct that may result in either expulsion or a minimum 10-day suspension, the college will provide students the following minimum due process:

(a) Notice: Prior to being interviewed about allegations of misconduct, the college shall provide students with notice of the allegations against them and of their right to have an advisor throughout the process who may, but need not be, an attorney.

(i) During an inquiry, investigation, or other informal process, an advisor may only advise the student and may not actively participate in the investigation or informal process.

(b) Explanation of the evidence: Prior to a formal hearing, unless prohibited by reasonable circumstances, each party shall provide to the hearing committee chair (or hearing officer) copies of the documents they intend to submit as evidence and a list of witnesses they intend to call during the formal hearing. This information will be shared with both parties. In all circumstances, including informal processes, the college will provide students an explanation of the evidence against them.

(c) Opportunity to respond: The college will provide students an opportunity for a full hearing at which they can respond to the allegations and evidence against them. With the agreement of all parties, the college may also provide an informal hearing or opportunity to respond or an agreed upon informal resolution.

(i) At formal adjudicatory hearings, students may have an advisor advocate for them. The student's advisor may be an attorney. The student's advisor may actively participate in the hearing in accordance with the college's policies regarding active participation.

**R784-4-4. Standard of Proof.**

(1) Students are presumed not to have engaged in a Code of Conduct violation until the college has established a violation by a preponderance of the evidence.

**R784-4-5. Incorporations of Colleges' Policies.**

(1) The college has adopted the following policies that are incorporated by reference within this rule.

(a) Policy - Code of Student Rights and Responsibilities 3-2.01, 10/16/2018.

(b) Policy - Student Sexual Misconduct 3-2.02, 01/17/2017.

**KEY: due process**

**Date of Enactment or Last Substantive Amendment: October 17, 2019**

**Authorizing, and Implemented or Interpreted Law: 53B-27-3**